

12/04/2024

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**

James Lidestri

**DEFENDANTS**

Audrey Burns

**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

**ATTORNEYS (IF KNOWN)**

Brill Legal Group, P.C.  
176 Lexington Ave, Suite O, New York, NY 10016  
(212) 233-4141

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

## Defamation, Intentional and Negligent Infliction of Emotional Distress Under New York Law, Diversity Jurisdiction - 28 USC §1332

Has this action, case, or proceeding, or one essentially the same, been previously filed in SDNY at any time? No  Yes  \_\_\_\_\_  
*(If yes, Judge Previously Assigned)*

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date & Case No.

#### **IS THIS AN INTERNATIONAL ARBITRATION CASE?**

No  Yes

## **NATURE OF SUIT**

TOBITS

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[ ] 110 INSURANCE MARINE	[ ] 310 AIRPLANE [ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	[ ] 625 DRUG RELATED SEIZURE OF PROPERTY	[ ] 422 APPEAL 28 USC 158	[ ] 375 FALSE CLAIMS
[ ] 120 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 365 PERSONAL INJURY	[ ] 423 WITHDRAWAL	[ ] 400 STATE REAPPORTIONMENT	
[ ] 130 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 690 OTHER	[ ] 410 ANTITRUST	
[ ] 140 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE	[ ] 800 PROPERTY RIGHTS	[ ] 430 BANKS & BANKING		
[ ] 150 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 820 COPYRIGHTS	[ ] 450 COMMERCE		
[ ] 151 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE	[ ] 830 PATENT	[ ] 460 DEPORTATION		
[ ] 152	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 370 OTHER FRAUD	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[ ] 153	[ ] 360 OTHER PERSONAL INJURY	[ ] 371 TRUTH IN LENDING	[ ] 840 TRADEMARK	[ ] 480 CONSUMER CREDIT	
[ ] 154	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	[ ] 850 SOCIAL SECURITY	[ ] 485 TELEPHONE CONSUMER PROTECTION ACT	
[ ] 160 STOCKHOLDERS SUITS		[ ] 385 PROPERTY DAMAGE	[ ] 861 HIA (1395ff)		
[ ] 190 OTHER CONTRACT		PRODUCT LIABILITY	[ ] 862 BLACK LUNG (923)		
[ ] 195 PRODUCT LIABILITY			[ ] 863 DIWC/DIWV (405(g))		
[ ] 196 FRANCHISE	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[ ] 864 SSID TITLE XVI		
		[ ] 463 ALIEN DETAINEE	[ ] 865 RSI (405(g))		
		[ ] 510 MOTIONS TO VACATE SENTENCE			
		28 USC 2255			
	CIVIL RIGHTS		FEDERAL TAX SUITS		
		[ ] 530 HABEAS CORPUS	[ ] 870 TAXES (U.S. Plaintiff or Defendant)		
		[ ] 535 DEATH PENALTY	[ ] 871 IRS-THIRD PARTY		
		[ ] 540 MANDAMUS & OTHER	26 USC 7609		
			SECURITY ACT (ERISA)		
REAL PROPERTY					
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING		IMMIGRATION		
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	[ ] 462 NATURALIZATION		
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ ACCOMMODATIONS		APPLICATION		
[ ] 240 TORTS TO LAND	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 550 CIVIL RIGHTS	[ ] 465 OTHER IMMIGRATION		
[ ] 245 TORT PRODUCT LIABILITY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 555 PRISON CONDITION	ACTIONS		
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 448 EDUCATION	[ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			
				[ ] 890 OTHER STATUTORY ACTIONS	
				[ ] 891 AGRICULTURAL ACTS	
				[ ] 893 ENVIRONMENTAL MATTERS	
				[ ] 895 FREEDOM OF INFORMATION ACT	
				[ ] 896 ARBITRATION	
				[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
				[ ] 950 CONSTITUTIONALITY OF STATE STATUTES	

*Check if demanded in complaint:*

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

**IF SO, STATE:**

DEMAND \$ 575000 OTHER JUDGE DOCKET NUMBER

*Check YES only if demanded in com-*

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
<input type="checkbox"/> a. all parties represented						<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF  2 U.S. DEFENDANT  3 FEDERAL QUESTION  
(U.S. NOT A PARTY)  4 DIVERSITY

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [X] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[X] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

James Lidestri  
24 Hillside Dr.  
Poughkeepsie, NY 12603

Dutchess County

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)****DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Audrey Burns

**COURTHOUSE ASSIGNMENT**

I have reviewed Rules 18(a) and 20(a) of the Rules for the Division of Business Among District Judges, Southern District of New York, and I hereby certify that this case should be assigned to the courthouse indicated below pursuant thereto.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

DATE 2/10/2025

  
 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

 YES (DATE ADMITTED Mo. 8 Yr. 2006)  
 Attorney Bar Code # PB0818

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so designated.

Tammi M. Hellwig, Clerk of Court by \_\_\_\_\_ Deputy Clerk, Dated \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

